

ECONOMIC AND FISCAL IMPACT STATEMENT**(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2008)

See **SAM Section 6601 - 6616** for Instructions and Code Citations

DEPARTMENT NAME Water Resources	CONTACT PERSON Manucher Alemi	TELEPHONE NUMBER 916-651-9662
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Agricultural Water Measurement Regulation		NOTICE FILE NUMBER Z

ECONOMIC IMPACT STATEMENT**A. ESTIMATED PRIVATE SECTOR COST IMPACTS** (Include calculations and assumptions in the rulemaking record.)

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts businesses and/or employees | <input checked="" type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below. Complete the Fiscal Impact Statement as appropriate.) |

h. (cont.) Regulation applies to ag water suppliers. Cost will be passed on to their customers (see attached).

(If any box in Items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: 10,000 Describe the types of businesses (Include nonprofits.): Farming operations
served by agricultural water suppliers that provide water to 25,000 irrigated acres or more are affected.Enter the number or percentage of total businesses impacted that are small businesses: <= 94003. Enter the number of businesses that will be created: unknown eliminated: 0
Explain: Creates business for water measurement devices manufacturing, installation, and repair.4. Indicate the geographic extent of impacts: ☒ Statewide ☐ Local or regional (List areas.): _____5. Enter the number of jobs created: _____ or eliminated: _____ Describe the types of jobs or occupations impacted: An unidentified number
of jobs will be created in manufacturing, installation, and maintenance of agricultural water measurement devices.

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☒ No If yes, explain briefly: _____**B. ESTIMATED COSTS** (Include calculations and assumptions in the rulemaking record.)1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ 330 Million

- | | | |
|--|--|------------------|
| a. Initial costs for a small business: \$ <u>24/acre</u> | Annual ongoing costs: \$ <u>6.5/acre</u> | Years: <u>20</u> |
| b. Initial costs for a typical business: \$ <u>24/acre</u> | Annual ongoing costs: \$ <u>6.5/acre</u> | Years: <u>20</u> |
| c. Initial costs for an individual: \$ _____ | Annual ongoing costs: \$ _____ | Years: _____ |
| d. Describe other economic costs that may occur: _____ | | |

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2. If multiple industries are impacted, enter the share of total costs for each industry: _____
3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. (Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.): \$ 1.5 / acre
4. Will this regulation directly impact housing costs? ☐ Yes ☒ No If yes, enter the annual dollar cost per housing unit: _____ and the number of units: _____
5. Are there comparable Federal regulations? ☒ Yes ☐ No Explain the need for State regulation given the existence or absence of Federal regulations: USBR Conservation and Efficiency Criteria - Public Law 102-575, §3405 (e). Applies only to federal water suppliers.
- Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ _____

C. ESTIMATED BENEFITS (Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. Briefly summarize the benefits that may result from this regulation and who will benefit: Ag water delivered will be accurately measured, thus allowing for adoption of a pricing structure based on volume of water delivered, translating into a more equitable billing for farmers and will also encourage water conservation. Potentially saved water will result in added revenues to suppliers.
2. Are the benefits the result of: ☒ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?
Explain: SB X7-7, Steinberg, Statutes of 2009 required DWR to adopt an agricultural water measurement regulation.
3. What are the total statewide benefits from this regulation over its lifetime? \$ not known

D. ALTERNATIVES TO THE REGULATION (Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: Regulation is mandated by law.
It provides for a range of options for compliance. However, other alternatives were considered: Alternative 1, Requiring specific technologies and devices for compliance; Alternative 2, Allowing a phased implementation for compliance.
2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:
- | | | |
|----------------|---------------------------------|------------------------------|
| Regulation: | Benefit: \$ <u>unquantified</u> | Cost: \$ <u>see B. above</u> |
| Alternative 1: | Benefit: \$ <u>unquantified</u> | Cost: \$ <u>unquantified</u> |
| Alternative 2: | Benefit: \$ <u>unquantified</u> | Cost: \$ <u>unquantified</u> |
3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____
Alternative 1 was dismissed as being too prescriptive, constraining suppliers, and imposing unnecessary costs.
Alternative 2 was dismissed as not being consistent with the mandated compliance date in SB X7-7.
4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☒ Yes ☐ No
Explain: Regulation requires the use of any water measurement device that meet minimum accuracy standards. No mandate for any specific devices or technologies. This approach provides flexibility for compliance and reduces cost.

E. MAJOR REGULATIONS (Include calculations and assumptions in the rulemaking record.) Cal/EPA boards, offices, and departments are subject to the following additional requirements per Health and Safety Code section 57005.

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1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million ? ☒ Yes ☐ No (If No, skip the rest of this section.)
2. Briefly describe each equally as an effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
- Alternative 1: Unquantified, but judged by DWR to be more costly than the proposed regulation and or not meeting the intent of the law.
- Alternative 2: Unquantified, but judged by DWR to be more costly than the proposed regulation and or not meeting the intent of the law.
3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:
- | | | |
|----------------|----------|------------------------------------|
| Regulation: | \$ _____ | Cost-effectiveness ratio: \$ _____ |
| Alternative 1: | \$ _____ | Cost-effectiveness ratio: \$ _____ |
| Alternative 2: | \$ _____ | Cost-effectiveness ratio: \$ _____ |

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT (Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

- ☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
- ☐ a. is provided in _____, Budget Act of _____ or Chapter _____, Statutes of _____
- ☐ b. will be requested in the _____ Governor's Budget for appropriation in Budget Act of _____
(FISCAL YEAR)
- ☐ 2. Additional expenditures of approximately \$ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
- ☐ a. implements the Federal mandate contained in _____
- ☐ b. implements the court mandate set forth by the _____
court in the case of _____ vs. _____
- ☐ c. implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____
election; (DATE)
- ☐ d. is issued only in response to a specific request from the _____
_____, which is/are the only local entity(s) affected;
- ☐ e. will be fully financed from the _____ authorized by Section _____
(FEES, REVENUE, ETC.)
_____ of the _____ Code;
- ☐ f. provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit;
- ☐ g. creates, eliminates, or changes the penalty for a new crime or infraction contained in _____
- ☐ 3. Savings of approximately \$ _____ annually.
- ☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law regulations.

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☒ 5. No fiscal impact exists because this regulation does not affect any local entity or program.

☐ 6. Other.

B. FISCAL EFFECT ON STATE GOVERNMENT (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.

☒ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS (Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.)

☐ 1. Additional expenditures of approximately \$ _____ in the current State Fiscal Year.

☐ 2. Savings of approximately \$ _____ in the current State Fiscal Year.

☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other.

FISCAL OFFICER SIGNATURE

Perla Webb-Brown

DATE

4/26/11

AGENCY SECRETARY¹
APPROVAL/CONCURRENCE

[Signature]

DATE

4/28/11

DEPARTMENT OF FINANCE²
APPROVAL/CONCURRENCE

PROGRAM BUDGET MANAGER

[Signature]

DATE

1. The signature attests that the agency has completed the STD.399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or department not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

2. Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD.399.